IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION No: 5387 of 1995

Between:

Bone Latcha Rao, S/o. Latchaiah,
R/o. Indira Colony, Pithapuram.

..... PETITIONER

AND

1. The Industrial Tribunal Cum Labour court

Visakhapatnam. Rep.by Chairman & Presiding officer.
Visakhapatnam.

2. The General Manager, Kirlampudi Sugar Mills,
Pithapuram E.G. District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to invoke the extra ordinary jurisdiction of this Hon'ble Court under Article 226 a,b, & c of the Constitution of India for issuing an appropriate Writ, order or direction more particularly in the nature of Certiorari to call for records and to quash the award passed by the 1st respondent in G.Q.Rt. No. 573, dated 8-11-1994 in Industrial Dispute No. 70, of 1991 and to reinstate the petitioner in the 2nd respondent that is

Kirlampudi Sugar Mills, Pithapuram With all consequential Benefits to the Petitioner.

Counsel for the Petitioner: MR.T.DASARADHA RAMAIAH
Counsel for the Respondent No.1: GP FOR LABOUR
Counsel for the Respondent No.2: MR.M.KRISHNA MOHANA RAO

The Court made the following:

ORAL ORDER:-

The Writ Petition is filed assailing the order, dated 08.09.1994, passed by the Industrial Tribunal-cum-Labour Court (for short 'the Tribunal') in I.D.No.70 of 1991.

2. The petitioner was working in Kirlampudi Sugar Mills. While so, he was suspended from service on 07.01.1980 and thereafter he was issued with an order of dismissal on 20.02.1988. Aggrieved by the said order, he raised an Industrial Dispute before the Industrial Tribunal, Visakhapatnam, in I.D.No.70 of 1991.

3. The Tribunal, holding that the guilt of the petitioner was established, modified the punishment of dismissal to removal by award, dated 08.09.1994, against which the present Writ Petition has been filed.

4. The learned counsel for the petitioner submits that the charges were very trivial in nature and the punishment is wholly unconscionable and shocking and therefore the petitioner should be reinstated into service with back wages. Even though the notices were served on the respondents, none appeared for them. Therefore, the matter is heard on merits.

5. From the award it is seen that the charges as made against the petitioner were established, but the question that calls for consideration is graveman of the charges and the punishment awarded. The Tribunal did not consider this aspect in proper perspective.

6. Under those circumstances, I am inclined to set aside the impugned award and remit the matter for fresh consideration with regard to the punishment that is to be awarded with reference to the charges framed against the petitioner.

7. Accordingly, the award is set aside and the matter is remitted for fresh consideration and the learned Tribunal is directed to shall issue notices to the parties concerned, and decide the quantum of punishment with reference to the gravity of the misconduct proved against the petitioner.

8. Accordingly, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J.

Date: 17.02.2005

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To

1. The Chairman & Presiding Officer, Industrial Tribunal Cum Labour court Visakhapatnam.

2. The General Manager, Kirlampudi Sugar Mills,
Pithapuram E.G. District.

3. 2 CCs to the G.P. for Labour, High Court of A.P., Hyderabad (OUT).

4. 2 CD copies.